

HAMPTON PLANNING BOARD – MINUTES

September 3, 2003

PRESENT: Thomas Gillick, Chairman
Robert Viviano, Vice Chairman
Tracy Emerick, Clerk
Tom Higgins
Jack Lessard
Keith Lessard
Skip Sullivan, Selectman
Jennifer Kimball, Town Planner

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. K. Lessard to lead the Pledge of Allegiance.

Mr. Gillick **MOTIONED** to reorder the agenda. Mr. Sullivan **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS:

- 1) 389 High Street Realty Trust (Jerome Sakurai)
Special Permit to remove a duplex and construct one 8-unit building
within the Wetland Conservation District at
389 High Street
Map 180, Lot 3A
Owners of Record: 389 High Street Realty Trust and Four B Realty Trust
- 2) 389 High Street Realty Trust (Jerome Sakurai)
Site Plan application to construct one 8-unit building and associated
Conditional Use Permit for development within the Aquifer Protection District at
389 High Street, Map 180, Lot 3A
Waiver Requested: Site Plan Regulations Section VII.D (Storm Drainage),
waiver only needed for Drainage Plan Option A
Owners of Record: 389 High Street Realty Trust and Four B Realty Trust
Jurisdiction Accepted June 4, 2003, extended by applicant

Mr. Gillick read a memo dated September 3, 2003 from Mr. Ken Sakurai, Applicant, requesting to continue these applications. Mr. J. Lessard **MOTIONED** to continue the 389 High Street Special Permit and Site Plan Applications, at the applicants request, to the October 1, 2003 Planning Board meeting. It is the Board's understanding that the applicant has granted an extension of the 65-day jurisdictional clock. Mr. Viviano **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. OLD BUSINESS:

- 1) Richard A. & Ruth E. Bley
8-Lot Subdivision at
Timber Swamp Road
Map 137, Lot 1
Waivers Requested: Subdivision Regulations VII.C.2 (Stormwater Runoff)
Owners of Record: Same as Above
Jurisdiction Accepted May 7, 2003, extended by applicant
- 2) Richard A. & Ruth E. Bley
Special Permit Application for construction of culverts, wells and water lines
within the Wetlands Conservation District associated with 8-Lot Subdivision at
Timber Swamp Road
Map 137, Lot 1
Owners of Record: Same as Above

Mr. Gillick read a memo dated September 3, 2003 from Attorney Peter Saari, requesting to continue these applications. Mr. Sullivan **MOTIONED** to continue the Richard A. & Ruth E. Bley 8-Lot Subdivision and Special Permit Applications, at the applicants' request, to the October 15, 2003 Planning Board meeting subject to:

- * Resolution of the storm water drainage issue with Department of Public Works

Additionally, it is the Board's understanding that the applicant has granted an extension of the 65-day jurisdictional clock. Mr. K. Lessard **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 3) Vertical Building & Development Company, LLC
Site Plan Review for 42 Unit Condominium with 2 retail stores at
Ocean Boulevard, J & K Streets
Map 293, Lot 008; Map 290, Lots 144, 145, & 146
Owners of Record: Nancy J. Higgins Revocable Trust; Five Jay Street, LLC;
Jerelyn A. Gray & Peter B. Dineen; Captain Morgan Inn, Inc.
Jurisdiction Accepted July 30, 2003

Mr. Gillick read a memo dated September 3, 2003 from Attorney Peter Saari, requesting to continue this application and the applicant stated confirmation of granting an extension of the 65-day jurisdictional clock. Mr. J. Lessard **MOTIONED** to continue the Vertical Building & Development Company, LLC Site Plan Review Application, at the applicants request, to the November 5, 2003 Planning Board meeting. Mr. Emerick **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS:

- 1) William C. Zambarnardi
Special Permit to add loam to the property in several locations, improve and pave an existing driveway, and construct a new paved driveway within the Wetlands Conservation District at
555 Winnacunnet Road
Map 223, Lot 134
Owners of Record: William & Beverly Zambarnardi

Mr. William Zambarnardi introduced himself. Mr. Zambarnardi explains his application to raise the existing driveway and elevate the South side of the driveway. Additionally, his proposal is to add loam to the South side of the deck and East side of the house, and construct a new, paved driveway on the North side of the house. Mr. Zambarnardi states the proposal is consistent with the purposes set forth in Zoning Regulations Section 2.3.1 and the fills are located outside the wetlands. Mr. Gillick requested a copy of the driveway permit to be submitted. Mr. Gillick reads a memo dated July 23, 2003 from the Conservation Commission stating they are not opposed to the Special Permit relating to this project.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Gillick asks what is the estimated amount of the loam to be used. Mr. Zambarnardi stated approximately 3 yards. Mr. Sullivan **MOTIONED** Board voted to approve the Special Permit Application at 555 Winnacunnet Road, Map 223, Lot 134, subject to:

- 1) Submitting a copy of driveway permit,
- 2) Proper erosion and sediment controls in place during construction,
- 3) Notification to Conservation Commission prior to commencement and upon completion of project, and,
- 4) Proposed grade is not to increase over adjacent grade.

Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 2) Independent Wireless One Leased Realty Corporation
Site Plan Application to install 3 PCS antennas & base equipment to existing silos & roof at 380 Lafayette Road
Map 160, Lot 31
Waivers Requested: Site Plan Regulations Section V. D.13, 14 & 15 (property line survey, metes & bounds, monumentation) and E.8 (stormwater plan) & E.15 (erosion control plan)
Owner of Record: Foss Manufacturing, Inc.

Mr. Adam Brooks of ATC Realty introduced himself and Attorney Jonathan Springer, of Shaines & McEachern as representing the applicant (IWO). Mr. Brooks offers a brief overview by explaining they currently have cell sight installations at the tower located at the Hampton Toll interchange, as well as on top of the roof of Guido Murphy's restaurant.

The application proposes to fill the gap in the cell phone service in the downtown area by placing four cabinets, three antennas on top of the roof of the existing Foss Manufacturing building. Mr. Brooks states there will be nothing put on the ground, no water, sewer, or additional lighting and expects these antennas to offer seamless coverage from the highway to the ocean.

Mrs. Kimball reviewed her memo dated September 1, 2003 that highlighted comments for the Board's consideration. She highlighted that the applicant has not submitted the required Radio Frequency (RF) study. Mr. Emerich felt it was unnecessary because the applicant must comply with Federal Law. Mrs. Kimball also noted the FCC license submitted was under a different name than IWO. After detailed discussion of the items in the memo, conditions were set forth should the Board approve the application. Mr. K. Lessard asked for a brief outline of what IWOs' relationship is to Sprint. Mr. Gillick asked would anybody other than Sprint be related to this site. Mr. Brooks explained the relationship and assured no other affiliations will be included in this proposal.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mrs. Kimball advised the Board of the Regulations for surety of removal of the structure should the site be abandoned. Because the proposed site is on private property, Mrs. Kimball suggested to have a clause added in the lease stating such obligation by the applicant. Mr. Brooks stated the clause currently exists and would provide a redacted copy of the lease. Mr. K. Lessard **MOTIONED** to grant the Waivers Requested: Site Plan Regulations Section V. D.13, 14 & 15 (property line survey, metes & bounds, monumentation) and E.8 (stormwater plan) & E.15 (erosion control plan). Mr. Higgins **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. Higgins **MOTIONED** to accept jurisdiction of and approve the referenced Site Plan Application of Site Plan #339.23.01, dated 5/16/03 subject to:

- 1) Provide copy of lease verbiage (re: removal of structure),
- 2) Provide statement clarifying license ownership (re: Wirelessco, Sprint Spectrum, and IWO being a Sprint partner),
- 3) Panels and equipment painted to match the existing façade and structures,
- 4) Initial testing of field EMF measures, and subsequent testing, to be submitted annually to the Planning Board,
- 5) Provide copy of Federal Communications Commission, Radio Frequency Exposure Guidelines & Compliance Report,
- 6) Revised plans showing cabinet dimensions, building elevations, zoning set backs, variance reference and date granted, and,
- 7) Submittal of final, full size site plans, mylar and recording fees to the Hampton Town Planning office.

Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 3) AT&T Wireless Services, Inc.
Site Plan Application to install a wireless communications facility consisting of up to six (6) wireless antennas mounted on the catwalk of the existing water tank and base equipment within the existing compound at 60 Church Street
Map 274, Lot 5
Waivers Requested: Site Plan Regulations Section V.E.5, 6, 7, 8, 9, 10, 11, 12, 13, 14, & 15 (detailed plan submittal requirements)
Owner of Record: Aquarion Water Company

Attorney Craig Tateronis of Mintz, Levin, Cohn, Ferris, Glovsky, & Popeo, P.C. introduced himself and Ms. Carri Preble, Project Manager of NDC Wireless (AT&T Real Estate consulting firm) as representing the applicant. Mr. Gillick advised Attorney Tateronis that this application is similar to the IWO application just heard and most requirements may be repeated. Attorney Tateronis presented the application as a proposal to install, and operate, a wireless communications facility of up to six wireless telecommunications antennas to be mounted on the catwalk of the existing water tank, as well as base equipment to be installed within the existing site. The current plans do not denote any landscaping and Attorney Tateronis assures the applicant would agree to such a condition to be met should the Board approve this application. Mr. Rakesh Goel, RF Engineer of Bechtel Telecommunications was available to show a map of existing areas that currently lack coverage. He noted four other locations, in and adjacent to Hampton, where AT&T has other cell towers, and where the proposed application intends offer additional service to the area.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mrs. Kimball reviewed her memo dated September 1, 2003 that highlighted comments for the Board's consideration. After detailed discussion of the items in the memo, conditions were set forth should the Board approve the application. Mrs. Kimball asked to verify the correct address of the site. Ms. Preble confirmed it is 60 Church Street (was given wrong information at time of application). Mr. Goel advised, OSHA regulations require that there be signage at the base of the tower notifying that antennas are on the catwalk (to notify any authorized individuals/technicians of live voltage). Mr. Gillick asked when the project would be operational. Ms. Preble stated they intend to be operational by the end of the year. Mr. Higgins asked would all 6 antennas belong to AT&T. Attorney Tateronis assured no other affiliations would be included in this proposal. Mr. Goel stated the intent is to initially install 3 antennas, then, depending on the volume of quality, they may need to install up to 3 more antennas to complete the project. Mr. K. Lessard **MOTIONED** to grant the Waivers Requested : Site Plan Regulations Section V.E.5, 6, 7, 8, 9, 10, 11, 12, 13, 14, & 15 (detailed plan submittal requirements). Mr. J. Lessard **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. K. Lessard **MOTIONED** to accept jurisdiction of and approve the referenced Site Plan Application of Site Plan #24445, Rev. #1, dated 6/12/03 subject to:

- 1) Proper landscaping placed as per previously approved plan on file,
- 2) Submittal of letter of authorization from owner, Aquarion Water,
- 3) Submittal of revised site plans updating owner information, lot corner monumentation, location/locus plan, adequate space for Planning Board signature, variance reference and date granted, FEMA/FIRM information, correct RCS zone setback information, and Licensed Land Surveyor Stamp,
- 4) Request Aquarion to include addendum to lease adding verbiage of "removal of structure" requirements, and provide a copy of said lease. (Should this request not materialize, the condition will stand, in conjunction with Site Plan Regulations XI.G,: if the facility is not used for 12 continuous months then it will be considered abandoned),
- 5) Initial testing of field EMF measures, and subsequent testing, to be submitted annually to the Planning Board,
- 6) Receipt of DES Wetlands Bureau approval,
- 7) Panels and equipment painted to match the existing façade and structures, and,
- 8) Submittal of final site plans, mylar and recording fees to the Hampton Town Planning office.

Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. ATTENDING TO BE HEARD:

- 1) Bob Tessier's Imported Auto
Use Change Application to convert a machine shop
(light industrial) to an auto garage at 592 R Lafayette Road
Map 126, Lot 34

Mr. Robert Tessier introduced himself, along with David Choate of Grubb & Ellis/Coldstream Real Estate Advisors in Portsmouth, NH to present the application. A letter of authorization dated August 18, 2003 from Carolyn Bedford, owner of record, was submitted for the Town file this evening. Mr. Tessier proposed to convert the existing machine shop to an auto repair shop/garage, it will be strictly a repair shop, and no unregistered automobiles will be on the grounds. Mrs. Kimball noted the use is allowed within the zone and confirmed this property is not in the aquifer protection area.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Sullivan **MOTIONED** to approve the Use Change Application to convert a machine shop (light industrial) to an auto garage at 592 R Lafayette Road, Map 126, Lot 34. Mr. J. Lessard **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 2) Seacoast Results Academy (Lucinda B. Johnston)
Use Change Application to convert from a Day Care
to a Private School at 150 High Street
Map 161, Lot 10

Ms. Lucinda Johnston introduced herself. Ms. Johnston submitted letter of authorization from the Maranatha Assembly of God, Inc., owner of record, was submitted for the Town file this evening. She is proposing to operate a non-public school for Attention Deficit Disorder children in the existing day care facility at this church. Mrs. Kimball clarified that there would be a variance needed to allow a private school use in a Residential Zone. Ms. Johnston stated she has 5 students registered to begin and a capacity of up to 20. Mr. K. Lessard asked what other uses of the building would there be, and is concerned for adequate parking spaces. Ms. Johnston stated she will be leasing two classrooms and will have access to other parts of the building as needed. Ms. Johnston added there were no students currently registered that drive, and she is confident there is adequate parking but did not know the exact number of existing spaces (possibly 40 or more spaces). Mr. Gillick and Mrs. Kimball shared Mr. K. Lessards' concerns about the parking spaces. Mrs. Kimball read the parking regulations and there did not seem to be a requirement to apply because there would be parking at church on weekends and parking for school is during the week, therefore, there was not a conflict noted.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Viviano **MOTIONED** to approve the Use Change Application to convert from a Day Care to a Private School at 150 High Street, Map 161, Lot 10 subject to:

* Approval of the use by the Zoning Board of Adjustment.

Mr. J. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

V. CONSIDERATION OF MINUTES – August 20, 2003:

Mr. K. Lessard **MOTIONED** to approve the minutes as written. Mr. Viviano **SECONDED. VOTE: 5=YES / 1=ABSTAIN (Mr. Sullivan) MOTION PASSES IN THE AFFIRMATIVE.**

VI. CORRESPONDENCE:

Mrs. Kimball read a memo dated August 22, 2003 from the Office of State Planning and Energy Programs regarding the Annual Fall Planning Conference on October 25, 2003 in Plymouth, NH. If any Board members would like to attend, notify Mrs. Kimball and she will register them.

Mrs. Kimball read a memo received August 21, 2003 from Karen Anderson, Town Administrative Assistant, regarding a land donation from the Estate of Mildred Barteau. Mr. Sullivan **MOTIONED** voted to recommend that the Town accept the referenced parcel of land under the guidelines of RSA 41:14(a) regarding Map 217, Lot 001. Mr. Emerick **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

VII. OTHER BUSINESS:

Mr. Gillick stated that he, Mr. Barrington, and Mrs. Kimball have interviewed candidates for the Temporary Planner and are making arrangements for the selected individual to be in attendance at the September 17, 2003 Planning Board meeting.

Mrs. Kimball announced the upcoming "Public Session" being planned by the Master Plan-Future Land Use Subcommittee. Session dates are currently scheduled for Tuesday evening, September 30, 2003, and Saturday morning, October 4, 2003. Hampton residents will be hearing more about these sessions and are encouraged to attend. Reply to the survey that will be discussed at the sessions, and distributed among the local area vendors, will be instrumental in the Future Land Use of Hampton. The purpose is to offer public input on updating the Master Plan – Future Land Use section (not affiliated to the Beach Master Plan recently updated).

Mr. Sullivan **MOTIONED** to adjourn. Mr. J. Lessard **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 8:30 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary